

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR07-199-RSM
)
Plaintiff,)
)
v.)
) DETENTION ORDER
JAMES J. HENDRIX,)
)
Defendant.)
_____)

Offense charge: Possession of A Firearm by a Prohibited Person

Date of Detention Hearing: August 27, 2007

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been indicted for possession of a firearm, having previously been convicted of robbery in the first degree and attempted burglary in the first degree with a deadly

01 weapon. Defendant's criminal history also includes at least one other firearm charge.

02 2. Defendant was sentenced in approximately 2002 for the robbery and attempted
03 burglary with a deadly weapons charges. He was released from prison in approximately May 2006
04 and was on supervision for four months, during which time he had a violation for using marijuana,
05 before absconding from supervision of the Washington State Department of Corrections in
06 November 2006. DOC reports his other violations included failing to report, failing to be available
07 for urinalysis testing, failing to pay, and failing to be employed.

08 3. Defendant is alleged to have fled the scene at the time of the instant arrest on
09 August 11, 2007, and to have struggled during his arrest. The AUSA proffers that there had been
10 extensive efforts to locate the defendant since May 2007 when the indictment was filed in this
11 case.

12 4. The defendant poses a risk of nonappearance due to prior noncompliance with
13 supervision, fleeing from authorities at the time of arrest, and a history of substance abuse. He
14 poses a risk of danger due to criminal history which includes firearms violations, the nature of the
15 pending charge which also involves firearms allegations, and alleged conduct during arrest and the
16 attempt to apprehend defendant.

17 5. There does not appear to be any condition or combination of conditions that will
18 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
19 to other persons or the community.

20 It is therefore ORDERED:

- 21 (1) Defendant shall be detained pending trial and committed to the custody of the
22 Attorney General for confinement in a correction facility separate, to the extent

01 practicable, from persons awaiting or serving sentences or being held in custody
02 pending appeal;

03 (2) Defendant shall be afforded reasonable opportunity for private consultation with
04 counsel;

05 (3) On order of a court of the United States or on request of an attorney for the
06 Government, the person in charge of the corrections facility in which defendant is
07 confined shall deliver the defendant to a United States Marshal for the purpose of
08 an appearance in connection with a court proceeding; and

09 (4) The clerk shall direct copies of this Order to counsel for the United States, to
10 counsel for the defendant, to the United States Marshal, and to the United States
11 Pretrial Services Officer.

12 DATED this 27th day of August, 2007.

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14 Mary Alice Theiler
15 United States Magistrate Judge
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